

3628

Dkt. 2271/61807

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Yuki UCHIDA

Serial No.: 09/815,134

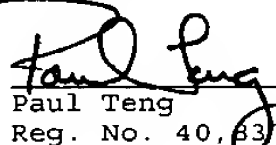
Group Art Unit: 3627

Date Filed: March 22, 2001

Examiner: Andrew J. Fischer

For: PRINTING SYSTEM, APPARATUS AND METHOD FOR AUTOMATICALLY
PRINTING RECORDS OF ELECTRONIC TRANSACTIONS

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Paul Teng
Reg. No. 40,637

April 9, 2004
Date

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GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO MARCH 16, 2004 OFFICE ACTION

This Communication is submitted in response to the March 16, 2004 Office Action issued by the U.S. Patent and Trademark Office in connection with the above-identified patent application.

The March 16, 2004 Office Action indicates that examination of the application will be restricted by the Patent Office under 35 U.S.C. §121 to one of the following allegedly distinct species:

Group I. Claims 1-10, drawn to a method of automatically printing, classified in class 705, subclass 24;

Group II. Claims 11-19, drawn to a system, classified in class 705, subclass 24; and

Group III. Claims 20-23, drawn to a printer, classified in class 101, subclass 368.

Applicant hereby elects, with traverse, to prosecute the

invention of Group I, claims 1-10.

Applicant, however, respectfully requests reconsideration of the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the application must be examined on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden.

The inventions of Groups I-III are not independent. Under MPEP §802.01, "independent" means there is no disclosed relationship between the subjects disclosed. As acknowledged in the Office Action, Groups I-III are related as process/system and apparatus for its practice. Therefore, Applicant respectfully submits that the Groups are not independent and restriction is improper.

In addition, Applicant submits that it would not be a serious burden if restriction is not require, because a search for prior art for one Group will likely turn up relevant references for the other Group. Therefore, Applicant submits that search and examination of the Groups together would not be a serious burden.

Accordingly, in view of the preceding remarks, Applicant respectfully requests that the restriction requirement be withdrawn.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

The Office is hereby authorized to charge any additional fees that may be required in connection with this response and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

Paul Teng, Reg. No. 40,837
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